

REMARKS

Certain inconsistencies and inaccuracies in the specifications have been corrected. One area of correction involved both correction to the text of the application at pp. 18 and 19 and to Figs. 2, 6 and 7. The other correction is different and relates to an incorrect presentation in Fig. 14B. The correction to Fig. 14B was correctly described in the text as filed and the drawing is being made consistent with the text. These will be explained more fully below.

The corrections to Figs. 2, 6 and 7 relate to a mistaken showing of two related parts which were incorrectly shown disconnected in the drawings as originally filed. In the preparation of computer aided design drawings it is sometimes advantageous to show two parts disconnected even though in assembled condition the parts are connected. The text of the application indicates the interaction between these parts and basic operation. Minor changes are being made to the text to rectify this inaccuracy.

No new matter is being introduced. Court decisions have applied tests for determining what is a permissible amendment to correct the specification as compared to an impermissible addition of new matter. One case applies a test which looks at amendments which cure inaccuracies as being permissible and not new matter if the amendment "clarifies or completes the prior disclosure", *Triax Co. V. Hartman Metal Fabricators, Inc.*, 479 F.2d 951, 956-7, 178 USP1 142, 146 (2d Cir. 1973, *cert. Denied*, 414 U.S. 1113 (1973). Another test applied is whether "the amendments to the specification merely render explicit what had been implicitly disclosed originally, and while new language has certainly been added, we are not prone to view all new 'language' ipso facto as 'new matter'", *In re Wright*, 343 F.2d 761, 767, 145 USPQ 182, 188 (CCPA 1965). Another case is *Quigley v. Zimmerman*, 73 F.2d 499, 503, 23 USPQ 310 (CCPA 1934), which states, "amendments may be made to patent applications for the purpose of curing defects, obvious to one skilled in the art, in the drawings or written descriptions of the inventions".

Paragraphs 0061 and 0064 have been amended to correct the incorrect statement that extension of the tilt actuator causes the rear vacuum heads to move backward and downward. Instead, and as can best be seen from Fig. 7 as originally filed, the extension of actuator 194 causes counterclockwise rotation about pivot 188. Rotation of head 210 about pivot 188 as a result of extension of the actuator is thus upward and forward instead of backward and downward as previously indicated.

The original specification explained operation of actuator 194 was intended to cause backward and downward action of the rear vacuum heads. This action cannot be accomplished by extension of the actuator because extension of the actuator causes the opposite motion. The action of moving the rear vacuum heads backward and downward must be accomplished by the contraction of actuator 194. Contraction of actuator 194 causes clockwise movement in Fig. 7. Such contraction of the actuator to effect this motion necessarily implies that the actuator is connected to piece 195 and not disconnected as originally shown in the drawings. The original drawings show piece 195 with a receptacle (which is a threaded receptacle) to receive the end of the actuator 194. Contraction of actuator 194 causes the arm 189 to pivot clockwise and thus move the rear vacuum heads downward and backward as indicated as the intended action in the original specification. In view of this, it would have been obvious to one of ordinary skill in this art that the actuator 194 was connected to piece 195 to allow the backward and downward operation of the vacuum heads explained in the application as originally filed. Actuator 194 also moves in the opposite manner to return the tilting assembly. The amended description corrects the description in a manner consistent with the original explanation except to the extent of the error in rotational direction previously indicated and makes explicit the connection of piece 195 which was implicit in the construction explained in the application as filed.

Paragraphs 0061 and 0064 have thus been corrected. No new matter has been added.

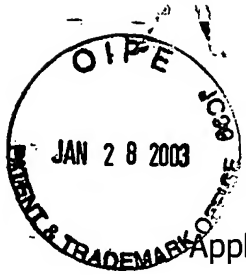
There is also a correction of Fig. 14B set out in the accompanying request for drawing changes which is needed due to mistake in the drawing as filed. The original drawing showed the mandrel in an up position in step 5 whereas it should be shown moving from up to down and into the extended downward position. The text at p.31 indicates such movement. Thus this correction is to remove an inconsistency between drawings and text and also does not introduce new matter.

Paragraph 0099 has also been amended to remove the words "within the". This is appropriate because the cuffing fingers do not go within the container as indicated at a number of other points in the specification.

The new claims being added are fully supported by the disclosure as originally filed and further define the inventions believed to be patentable based upon this application.

Favorable action is respectfully requested.

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Application Serial No. 10/024,707 1
Filing Date December 17, 2001 2
Inventor McQuary et al. 3
Assignee R. A. Pearson Co. 4
Group Art Unit 3721 5
Examiner Kim, Eugene Lee 6
Attorney's Docket No. PE1-016 7
Title: Packaging Container Liner Insertion and Cuffing Apparatus and Methods 8

9
10
11 VERSION WITH MARKINGS TO SHOW CHANGES MADE ACCOMPANYING
12 SECOND PRELIMINARY AMENDMENT
13

Underlines indicate insertions and strikeouts indicate deletions. 14

15
16 **In the Specification**

17 1) Paragraph 0061 has been amended as indicated below:

18 **[0061]** As best seen in Fig. 7, a tilt brace 193 securely attaches the upper body 18
19 187 to the rear vacuum head tilt actuator 194. The rear vacuum head tilt actuator 194
20 194 may be controllably moved ~~extended~~ to operate ~~contact~~ the connected rear tilt
21 piece ~~pad~~ 195, exerting force against the rear tilt piece ~~pad~~ 195 and causing the
22 lower body 189 to pivot at the pivot joint 188.
23

2) Paragraph 0064 has been amended as indicated below:

[0064] Referring now to Fig. 7, the operation of the rear vacuum head tilt actuator 194 is described. When the rear vacuum head tilt actuator 194 is ~~extended~~ moved, it will ~~contact and~~ exert force against the rear tilt ~~pad~~ piece 195, causing the lower body 189 to pivot at pivot joint 188. This pivotal movement causes the two rear vacuum heads to move. When the actuator is contracted it causes the rear vacuum heads to move backwards and downwards to facilitate the separation, positioning and opening of the flexible bags which are received in the container receiving area. When the actuator is extended the rear vacuum heads move forwards and upwards into position for engaging the flexible bags.

3) Paragraph 0090 has been amended as indicated below:

[0090] In the preferred embodiment, the method includes moving two movable vacuum heads to engage a flexible bag supplied by the bag dispenser, and utilizing two rear or relatively small movement vacuum heads to assist the moveable vacuum heads in engaging the flexible bag, separating the flexible bag from the supply roll ~~role~~, and positioning the flexible bag for insertion into a container. However, other embodiments may include utilizing one or more movable vacuum head, and utilizing one or more rear or relatively small movement vacuum heads.

4) Paragraph 0099 has been amended as indicated below:

[0099] Step 7 shows the mandrel M, which has returned to its retracted position above the container C1. The vacuum heads V1 and V2 are in their initial locations and have engaged a subsequent flexible bag B2 supplied by the bag dispenser (not shown). As shown, the cuffing fingers F are now retracted from ~~within the~~ container C1 and begin to return to their first position.

-END OF DOCUMENT-



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Filing Date December 17, 2001
Inventor McQuary et al.
Assignee R. A. Pearson Co.
Group Art Unit 3721
Examiner Kim, Eugene Lee
Attorney's Docket No. PE1-016
Title: Packaging Container Liner Insertion and Cuffing Apparatus and Methods

REQUEST FOR APPROVAL OF SUBSTITUTE FORMAL DRAWINGS

To: Assistant Commissioner for Patents
Washington, D.C. 20231

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REMARKS

Enclosed herewith are four (4) sheets of a formal substitute drawings. These sheets include corrections to Figs. 2, 6, 7 and 14B. A red-lined copy of these drawings showing the corrections are also submitted.

The corrections to Figs. 2, 6, and 7 are to correct a mistaken showing of two parts which were incorrectly shown disconnected in the drawings originally filed. In the preparation of computer aided design drawings it is sometimes advantageous to show two parts disconnected even though in assembled condition the parts are connected. The text of the application clearly indicates the interaction between these parts and related minor changes are being made to the text to rectify this inaccuracy. No new matter is being introduced since both parts are clearly shown in the original drawings

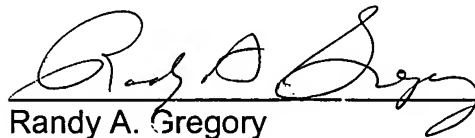
and the text makes clear the operational relationship between such parts. The mere correction of the drawings to correct this inaccuracy is within the ambit of permissible corrections allowed by a long line of court cases as is explained more fully in the Second Preliminary Amendment filed herewith.

The substitute drawing of Fig. 14B is different from the originally-filed drawings insofar as the portion of Fig. 14B labeled step 5 has been corrected so that it is consistent with the text of the patent application. The text of the application explains at p.31, ¶0097 that step 5 shows the mandrel moving from the retracted to the extended position and inserting the flexible bag. The previous presentation did not show the mandrel moving from the up to the down positions to insert the bag. Such was in error and inconsistent with the proper showing and textual description.

Approval and entry of the enclosed substitute formal drawing is requested. It is also requested that the PTO confirm acceptance of this substitute formal drawing in the next communication sent to the applicant.

Respectfully,

Dated: Jan. 21, 2003

By: 
Randy A. Gregory
Reg. No.: 30,386